

MONDAY, APRIL 5, 1999

Juvenile RAUL S. ALCALA et al. (Not for Publication)
No. v.
C028994 CALIFORNIA YOUTH AUTHORITY

The judgment is reversed. The cause is remanded to the superior court with directions to enter judgment in favor of the CYA defendants.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
SIMS, J.

Civil MICHAEL M. FUSON (Not for Publication)
No. v.
C029753 DEPARTMENT OF MOTOR VEHICLES

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
NICHOLSON, J.

MONDAY, APRIL 5, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C030304 JACK ALLEN HIPES

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029348 GLEN DEL STEVENSON

The order granting probation shall be corrected to show the defendant pled guilty to counts 5 (Pen. Code, § 11377) and the remaining counts dismissed. The order is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029025 MARTIN ANTHONY RESENDEZ

The order is affirmed.

CALLAHAN, J.

We concur: SCOTLAND, P.J.
SIMS, J.

TUESDAY, APRIL 6, 1999

Civil NOSRAT KHAJAVI
 No. v.
 C029159 FEATHER RIVER ANESTHESIA MEDICAL GROUP INC. et al.
 Civil NOSRAT KHAJAVI
 No. v.
 C029276 FEATHER RIVER ANESTHESIA MEDICAL GROUP INC.
 Civil NOSRAT KHAJAVI
 No. v.
 C030087 FEATHER RIVER ANESTHESIA MEDICAL GROUP INC.
 BY THE COURT:

On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Dated: April 6, 1999

SCOTLAND, P.J.

Civil PAUL J. WERNER (Not for Publication)
 No. v.
 C027840 BOARD OF PSYCHOLOGY

The judgment is reversed with directions to issue a peremptory writ of mandate directing the Board to set aside its decision revoking Werner's license and redetermine the discipline to be imposed in light of this opinion. Werner shall recover his costs on appeal.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.
 PUGLIA, J.

Civil JOHN TRINKLE (Not for Publication)
 No. v.
 C029083 CALIFORNIA STATE LOTTERY

The judgment is affirmed.

CALLAHAN, J.

We concur: SCOTLAND, P.J.
 MORRISON, J.

TUESDAY, APRIL 6, 1999 CONTINUED

Civil GENEVIEVE MULLEN ALFARO et al.
No. v. (Not for Publication)
C029288 VALLEY PIZZA INC.

The judgment is affirmed.

RAYE, J.

We concur: SCOTLAND, P.J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028913 ALEX CONKLIN BALBUENA

The error is reversible per se. (People v. Nauton (1994) 29 Cal. App. 4th 976, 981.) The judgment is reversed.

RAYE, J.

We concur: BLEASE, Acting P.J.
HULL, J.

Civil ANTHONY RUSS (Not for Publication)
No v.
C030269 RITA J. GIOTTONINI

The judgment is affirmed.

RAYE, J.

We concur: BLEASE, Acting P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028549 KENNETH RANDAL THORN

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029668 EDDIE RAY RIOS

The judgment is affirmed.

NICHOLSON, J

We concur: BLEASE, Acting P.J.
 CALLAHAN, J..

TUESDAY, APRIL 6, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029225 STEVE BRADFORD CLOUD
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur: NICHOLSON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030228 MICHAEL GENE ANDRUS
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur: NICHOLSON, J.
 MORRISON, J.

WEDNESDAY, APRIL 7, 1999

Civil ROBIN DARTIS (Not for Publication)
 No. v.
 C026932 EMPLOYMENT DEVELOPMENT DEPARTMENT et al.
 The judgment and the order awarding defendants' their attorney's
 fees are affirmed. Respondents are awarded their costs on appeal.
 NICHOLSON, J.
 I concur: DAVIS, J.
 I concur with the majority's conclusion that summary judgment was
 properly entered in favor of defendants.
 I respectfully dissent from the majority's affirmance of the order requiring
 plaintiff to pay \$61,482.75 in attorney's fees.
 SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C0026837 CARLOS BOYDEN BRAITHWAITE
 The judgment is affirmed.
 NICHOLSON, Acting P.J.
 We concur: HULL, J.
 KOLKEY, J.

WEDNESDAY, APRIL 7, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028326 MARCUS DEWAYNE BROWN
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur: NICHOLSON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029303 MICHAEL RAY SILVERS
 The judgment is affirmed.
 RAYE, J.
 We concur: SIMS, Acting P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030602 JOHN WATSON ROSE JR.
 The judgment is affirmed.
 SIMS, Acting P.J.
 We concur: CALLAHAN, J.
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028227 RONALD CARL COX
 The judgment is affirmed.
 RAYE, J.
 We concur: SIMS, Acting P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026191 MICHAEL RAY BURKETT
 The judgment is affirmed.
 MORRISON, J.
 We concur: SIMS, Acting P.J.
 RAYE, J.

WEDNESDAY, APRIL 7, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028121 JAMES SMILEY BROWN

The judgment of conviction is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting a determinate term of three for the prior prison term enhancements and to forward a copy of the amended abstract to the Director of the Department of Corrections.

MORRISON, J.

We concur: SCOTLAND, P.J.
 RAYE, J.

THURSDAY, APRIL 8, 1999

Crim. THE PEOPLE (certified for Publication)
 No. v.
 C023551 CHARLES FREDERICK NEELY

Crim. THE PEOPLE
 No. v.
 C024936 CHARLES FREDERICK NEELY

THE COURT:

It is ordered that the opinions filed herein on March 9, 1999, be modified in the following particulars:

...

The petitions for rehearing are denied. This modification does not change the judgments.

FOR THE COURT:

BLEASE, Acting P.J.
 RAYE, J.
 MORRISON, J.

THURSDAY, APRIL 8, 1999 CONTINUED

Civil GEORGIA F. WHITE
 No. v.
 C030195 CHARLES E. FLIPPEN
 BY THE COURT:

Appellant's request for judicial notice is denied. The clerk of this court is directed to return the material submitted. with said request.

On the court's own motion, the appeal is dismissed as appellant has appealed from a non-appealable order. Assuming the parties intended non-judicial arbitration, the superior court's May 19, 1998, order is non-appealable. (See Mid-Wilshire Assocs. v. O'Leary (1992) 7 Cal. App. 4th 1450.) Assuming the parties intended judicial arbitration, the order is non-appealable. (See 9 Witkin, Cal. Procedure, Appeal, subsection 19.)

Dated: April 8, 1999

BLEASE, Acting P.J.

Civil WILLIAM S. BRADLEY (Not for Publication)
 No. v.
 C028727 GARY L. LACY, as District Attorney, etc.

The order denying attorney fees is reversed. The cause is remanded to the trial court with directions to determine the amount of attorney fees and costs to be awarded Bradley under section 1021.5. Bradley shall recover costs on appeal.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C027987 PAULA MARIE BUTTS

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

THURSDAY, APRIL 8, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C026304 RUBEN MURILLO

the judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.

NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

NO. v.

C029648 BRYAN JAMES TREND

The judgment is affirmed.

KOLKEY, J.

We concur: SIMS, Acting P.J.

CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

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C026102 GEORGE MORGAN

The judgment is affirmed.

RAYE, J.

We concur: NICHOLSON, Acting P.J.

HULL, J.

Civil A. O. REED & COMPANY INC. et al.

No. v.

C029165 STATE BOARD OF EQUALIZATION

The judgment is affirmed.

CALLAHAN, J.

We concur: SCOTLAND, P.J.

SIMS, J.

THURSDAY, APRIL 8, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028362 REBECCA GOMEZ

Defendant's conviction for causing death while evading an officer is reversed. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send a copy of the amended abstract to the Department of Corrections.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

FRIDAY, APRIL 9, 1999

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030138 MARY ANN LARAMEE

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028375 RICK ALLEN ATILES

The judgment is affirmed.

SIMS, Acting P.J.

We concur: MORRISON, J.
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030095 PAUL ERIC HEBBE

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
 MORRISON, J.

FRIDAY, APRIL 9, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C030421 RODERICK JAMES EMERY

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
MORRISON, J.